

### **REMARKS**

This paper is provided in response to the Final Office Action of December 24, 2009, in which claims 1-3 and 5-10 were pending. Claims 9-10 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Further, claims 1-3 and 5-10 were rejected under 35 U.S.C. § 103(a) as being obvious in view the references cited by the Examiner. Applicants would like to thank the Examiner for the detailed comments provided with the aforementioned objections / rejections, all of which have been carefully considered by Applicants.

In the present response, Applicants have amended independent claims 1 and 9 for the Examiner's further consideration. Applicants have also provided remarks in connection therewith, which are fully responsive to all of the Examiner's objections / rejections. New claims 11-21 have been also been provided. No new matter has been added by the claim amendments/additions. Applicants therefore respectfully submit that the present application now stands in condition for allowance. Withdrawal of all and rejections, and a favorable response are requested.

#### **Claim Rejections – 35 USC §112**

Claims 9-10 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In response, Applicants have amended claim 9 to recite subject matter which may be found in the specification at paragraph [0030] of the Application Publication, U.S. 2005/0060288. Claim 10 is dependent from claim 9. Reconsideration and withdrawal of the rejection is requested.

#### **Claim Rejections – 35 USC §103**

Claims 1, 3, 5 and 9-10 are rejected under 35 USC §103(a) as being unpatentable over Katz et al. (U.S. Patent Publication No. 2002/0174000 A1) and further in view of Adler et al. (U.S. Patent Publication No. 2003/0033295 A1).

Katz generally discloses a method for assisting a user with procurement decisions, sourcing decisions and strategic sourcing decisions in an enterprise is disclosed. The method

implements a plurality of software modules in a logical workflow process based on the results of integrating and analyzing data. The workflow process provides a plurality of steps for discovering data, analyzing data, alerting the user about the data, recommending actions to the user based on the data, and executing those actions. The workflow process is based on a Value Chain Intelligence (VCI) system, which integrates and analyzes internal data from enterprises and external data from suppliers, catalogs, and marketplaces in real time for their impact on supply chains processes.

Adler generally discloses a method for searching intellectual property databases for patent infringement analysis and freedom to operate searches, including a data interface, a query builder connected to the interface for receiving the factual information and for building a search query describing the innovation, a search engine connected to the interface and to the query builder, for selecting a database and accessing this database via a transmission network and for searching the query in the database, a relevancy filter for filtering the search result provided by the search engine, means for comparing the search query with the filtered prior art output by the relevancy filter, and a statutory analyzer for analyzing the comparison.

In contrast to Katz and Adler, claim 1 is directed to a “method of quantitative analysis of communication performance for reputation management, comprising: (i) performing a computerized set of at least two searches in a database or a network containing articles, each search comprising an object of interest related to said communication performance or objects to be compared to said object of interest, at least one search term to be searched in a publication and optionally one or more attributes concerning the publication itself; (ii) analyzing the at least two searches to produce a quantitative analysis related to said reputation management, wherein said quantitative analysis related to said reputation management is based on one or more of the following: counting articles obtained from the at least two searches, counting words in articles obtained from the at least two searches, counting mentions of a name in articles obtained from the at least two searches, and counting mentions of an issue in articles obtained from the at least two searches; (iii) assigning a favorability classification to the articles; and (iv) displaying the quantitative analysis as graphs.”

In further contrast to Katz and Adler, amended claim 9 is directed to “a method of quantitative analysis of communication performance of an entity including: conducting a computerized search of publications stored in one or more electronic databases or accessible via a computerized network to identify one or more publications relating to the entity; using a computer processor to assign each identified publication a quantitative weight value based upon attributes associated with the identified publication, wherein the attributes include the publication’s source and word length; using the computer processor to analyze the identified publications and generate a quantitative analysis of the communication performance of the entity, wherein the quantitative analysis is based upon the number of identified publications, the word length of the identified articles, the weight values of the identified articles, and a number of mentions of the entity in each identified publication; assigning a favorability classification to the identified articles; and generating a graphic display of the quantitative analysis.”

Neither Katz nor Adler teaches or suggests the factors upon which the “analysis related to said reputation management” is based as recited in claims 1 or 9. In particular, neither the “invention descriptions (specifications)” in Adler nor the “discovered data” in Katz teach or suggest “counting articles obtained from the at least two searches.” Rather, the “scoring” systems in each reference are directed specifically to the content of the respective “information” or “data.” Furthermore, with regard to counting “words” or “names” or “issues” “in articles obtained from the at least two searches,” neither Katz nor Adler account for such considerations.

For example, Katz is generally directed to a method for assisting a user with procurement and sourcing decisions, and therefore the analysis disclosed in Katz relates to “products” from suppliers, catalogs, and other market-based sources. Thus, the types of “reputation management” information recited in claim 1 is not pertinent to Katz—and it is not disclosed therein. Further, Adler is generally directed to a method for intellectual property searches, and therefore the analysis disclosed in Adler relates to formal patent content, such as claim language, as would be required to conduct infringement analysis. Thus, one skilled in the art would not have appreciated that “reputation management” information was among the data sources disclosed in Adler, but rather content related to and including issued patents and patent applications.

Reputation management, and the considerations related thereto as described in the specification and as incorporated into the claims, as amended, is not related to the “claim language” analysis of Adler or the supply chain analysis of Katz. Thus, applicants submit that neither references teaches or suggests “analyzing the at least two searches to produce a quantitative analysis related to said reputation management, wherein said quantitative analysis related to said reputation management is based on one or more of the following: counting articles obtained from the at least two searches, counting words in articles obtained from the at least two searches, counting mentions of a name in articles obtained from the at least two searches, and counting mentions of an issue in articles obtained from the at least two searches.”

Furthermore, with regard to both claims 1 and 9, neither Katz nor Adler disclose, teach or suggest “assigning a favorability classification to the identified articles.” Nothing in the disclosures of Katz or Adler, as discussed above, relate to the communications performance of any company, and thus there is nothing disclosed therein that relates to the “favorability” of any articles. Favorability, as disclosed in the specification is one factor in determining the relevance of an article to communications performance. In contrast, Katz and Adler determine relevance of text or data in different ways, and for different reasons, as discussed in greater detail above.

For the reasons set forth above, the claimed combination of functions recited in amended claims 1 and 9 is not taught or suggested by the art of record, and therefore this claim is believed to be patentable over the art of record.

Claims 2 and 6-8 are rejected under 35 USC §103(a) as being unpatentable over Katz et al. in view of Adler et al. and further in view of Adler (U.S. Patent Publication No. 2002/0169658 A1).

Adler ‘658 generally discloses a method for modeling and analyzing strategic business decision to help companies make informed strategic decisions in complex, rapidly changing market environments. Outcomes of candidate decisions are simulated over time, under different evolutionary scenarios that reflect assumptions about trends in a market and the overall economy, and the likely behavior of individual businesses. Detailed analyses are then generated, both qualitative and quantitative, of the different outcomes, helping users to identify the decision

option with the most attractive rewards and tolerable risks. Users may revisit prior decisions, by periodically updating models with current market data and refining behavioral assumptions based on observations.

Claims 2 and 6-8 depend from, and incorporate all of the limitations of, claim 1. Adler '658 does not remedy the deficiencies of Katz and Adler '295 as discussed above with regard to amended claim 1. Specifically, again referring to the claimed “analyzing the at least two searches to produce a quantitative analysis related to said reputation management,” Adler '658 involves a completely different kind of analysis which takes into account factors unique to that analysis—that is, “strategic business decisions.” Adler '658 discloses references to mergers and acquisitions, creation / discontinuation of product lines, business units, production capacity, and legislative and political concerns – and the unique factors involved in providing an analysis related thereto. *See generally paras. [0032]-[0052].* Adler '658, however, does not teach or suggest the claimed functionality of “analyzing the at least two searches to produce a quantitative analysis related to said reputation management, wherein said quantitative analysis related to said reputation management is based on one or more of the following: counting articles obtained from the at least two searches, counting words in articles obtained from the at least two searches, counting mentions of a name in articles obtained from the at least two searches, and counting mentions of an issue in articles obtained from the at least two searches.” Applicants therefore submit that claims 2 and 6-8 are patentable over the asserted combination of Katz, Adler '295, and Adler '658.

#### New Claims

New claims 11-21 have been provided for the Examiner's further consideration. These claims are believed to be patentable over the art of record, and consideration and allowance thereof is respectfully requested.

**CONCLUSION**

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

This response is being submitted on or before June 24, 2010, with the required fee for a 3-month extension of time, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

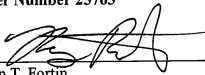
Respectfully submitted,

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